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Eugene H. Valet
314 10th Ave South
Edmonds WA 98020-3312

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In re Application of: Triola, C. Richard
Application No. 09/833,390
Filed: April, 11, 2001
Attorney Docket No.: CRT044UT
For: METHOD AND APPARATUS FOR
PROCESSING ESCROW TRANSACTIONS

PETITION TO INVOKE
SUPERVISORY AUTHORITY
UNDER
37 C.F.R. 1.181

This is a decision on the petition filed on 7/15/05. Applicant requests the Office to withdraw the notification of non-compliant Appeal Brief, and remove the requirement that "applicant must file a complete new brief."

The petition is GRANTED.

Upon review of the notification of the non-compliant appeal brief, it is determined that the primary examiner did indeed incorrectly check box 9. Page 3 of the appeal brief filed 4/7/05 indicates that there are no related appeals or interferences. However, upon further review rule 41.37 (c) requires that the following items must be contained in the brief: Claims appendix, Evidence appendix, and Related proceedings appendix. An appendix with the heading "Related proceeding" is missing from the brief.

Summary

The notification of non-compliant Appeal Brief mailed 7/12/05 is hereby vacated. The application will be forwarded to the examiner to arrange an appeal conference to review the merits of the case. If the result of the appeal conference is to move the case forward to appeal, the examiner will prepare a new notification of non-compliant Appeal Brief and restart the response time since the Appeal Brief does not comply with rule

41.37 (c) i.e. missing an appendix with the heading "Related proceeding." If the result of the appeal conference is not to move the case forward to appeal, the application will be returned to the examiner for further processing. Any questions on this matter should be directed to SPE James Trammell at (571) 272-6712

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John J. Love, Director
Patent Technology Center 3600
(571) 272-5250

JT/SM: 8/2/05

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